

REMARKS

Claims 1-6 are pending and under consideration in the above-identified application. In the Office Action of October 16, 2007, claims 1-6 were rejected.

With this Amendment, claims 1, 3-4 and 6 have been amended and claims 2 and 5 are cancelled. Accordingly, claims 1, 3-4 and 6 remain at issue.

I. 35 U.S.C. § 102 Anticipation Rejection of Claims

Claims 1 and 2 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Hsu et al.* (U.S. Patent No. 6,417,807) (“*Hsu*”). Applicant respectfully traverses this rejection.

With this amendment, claim 2 is cancelled. Therefore the rejection is moot as to claim 2.

In relevant part, independent claim 1 recites:

“each MEMS sealed in nitrogen in an accommodating space created by the base substrate and a cap substrate”

This is clearly unlike *Hsu*, which fails to disclose each MEMS so sealed in a accommodating space created by a base substrate and a cap substrate. Instead, *Hsu* discloses a unsealed MEMS located on the underside of a antenna substrate. See *Hsu* Col. 4, l. 41-47. Further, nowhere does *Hsu* disclose each MEMS sealed in nitrogen in an accommodating space created by the base substrate and a cap substrate.

As the specification discloses, by sealing each MEMS in nitrogen in an accommodating space created by a base substrate and a cap substrate, oxidation and operational malfunction of the contact pieces is reduced thereby improving the reliability of the MEMS. See U.S. Pat. Pub. Para. [0052]. Accordingly, the antenna disclosed in *Hsu* is incapable of producing the claimed antenna.

Therefore, because *Hsu* fails to disclose or even fairly suggest all of the features of the claim 1, the rejection is improper.

II. 35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 3, 4 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hsu* in view of *Jackson et al.* (U.S. Patent No. 6,061,025)(“*Jackson*”) . Applicants respectfully traverse this rejection.

In relevant part, independent claim 3 recites:

“a system control unit effective to select one of the communication circuits which is configured to control the resonance frequency of the wireless communication antenna ”

...and

“the communication circuits are effective to continuously monitor a intensity of a unique communication band and to deliver the intensity signal to the system control unit.”

Hsu fails to disclose anything relating to a system control unit effective to select a communication circuit which is configured to control the resonance frequency of the wireless communication antenna or a communication unit effective to continuously monitor a intensity of a assigned communication band and to deliver the intensity signal to a system control unit.

Jackson, similarly, fails to disclose a system control unit effective to select a communication circuit which is configured to control the resonance frequency of the wireless communication antenna and a communication unit effective to continuously monitor a intensity of a assigned communication band and to deliver the intensity signal to a system control unit. Instead, *Jackson* discloses a microprocessor with a single communication control circuit which receives tuning commands and temperature signals which are used to control the resonance

frequency of the antenna. See, U.S. Pat. No. 6,061,025 Col. 3, l. 41-63. Further, nowhere does *Jackson* disclose or even suggest a system control unit effective to select a communication circuit which is configured to control the resonance frequency of the wireless communication antenna and a communication unit effective to continuously monitor a intensity of a assigned communication band and to deliver the intensity signal to a system control unit.

As the Applicant's specification discloses, using a system control unit effective to select a communication circuit which is configured to control the resonance frequency of the wireless communication antenna and a communication unit effective to continuously monitor a intensity of a assigned communication band and to deliver the intensity signal to a system control unit allows the system control unit to automatically select the most effective communication mode. See U.S. Pat. Pub. 2006/0079177 Para. [0102]. Accordingly, the wireless communication apparatus of *Jackson* is incapable of producing the claimed wireless communication apparatus.

Therefore, because *Hsu* or *Jackson* or any combination of the two fail to disclose or even fairly suggest all of the features of the claim 3, the rejection is improper. Because claims 4 and 6 depend, either directly or indirectly, from claim 3, they are patentable at least for the same reasons.

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hsu* in view of *Jackson* in view of *Saunders* (G.B. Patent No. 2354115A)(“*Saunders*”). Applicants respectfully traverse this rejection.

With this amendment, claim 5 is cancelled and the subject matter of claim 5 is incorporated into independent claim 3.

Claim 3 is patentable over *Hsu* and *Jackson* as discussed above.

In relevant part, independent claim 3 recites:

“the communication circuits are effective to continuously monitor a intensity of a assigned communication band and to deliver the intensity signal to the system control unit.”

This is clearly unlike *Saunders*, which fails to disclose a communication circuit effective to continuously monitor a intensity of an assigned communication band and to deliver the intensity signal to a system control unit. Instead, *Saunders* discloses a single circuit which detects the signal-to-noise ratio of one band and sends commands to a adaptive matching circuit to change the operating frequency. See, *Saunders* Page 12, lines 4-10. Further, nowhere does *Saunders* disclose or even suggest a communication circuit effective to continuously monitor a intensity of an assigned communication band and to deliver the intensity signal to a system control unit.

As the Applicant's specification discloses, a system control unit selecting a communication circuit which will generate a desired resonance frequency of a wireless antenna based on the intensity signal received from a digital control unit and a desired operational mode the wireless communication apparatus can automatically adjust when the operational mode of the system changes. See, U.S. Pat. Pub. 2006/0079177 Para. [0103]. Accordingly, the wireless communication apparatus disclosed in *Saunders* is incapable of producing the claimed wireless communication apparatus.

Therefore, because *Hsu*, *Jackson* or *Saunders* or any combination of the three fails to disclose or even fairly suggest all of the features of the claim 3, the rejection is improper.

III. Conclusion

In view of the above amendments and remarks, Applicants submit that all claims are clearly allowable over the cited prior art, and respectfully request notification to that effect.

Respectfully submitted,

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